

ORIGINAL

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Attorneys for the United States of America

FILED
DISTRICT COURT OF GUAM
MAR - 1 2006 *new*
MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 05-00053

THIRD SUPERSEDING INDICTMENT

Plaintiff,

**CONSPIRACY TO DISTRIBUTE
METHAMPHETAMINE HYDROCHLORIDE**
[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 846]
(COUNT 1)

vs.

**POSSESSION WITH INTENT TO DISTRIBUTE
METHAMPHETAMINE HYDROCHLORIDE**
[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and
18 U.S.C. § 2]
(COUNT 2)

CHRISTOPHER M. ESPINOSA,
and BRIAN WILLIAM ELM,

MONEY LAUNDERING CONSPIRACY
[18 U.S.C. §§ 1956(h)]
(COUNT 3)

Defendants.

MONEY LAUNDERING
[18 U.S.C. §§ 1956(a)(1)(A)(i) and 2]
(COUNTS 4 thru 19)

THE GRAND JURY CHARGES:

**COUNT 1 - CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE
HYDROCHLORIDE**

Beginning at a time unknown, but at least in or about the month of June, 2004 through on
or about June 18, 2005, in the District of Guam and elsewhere, the defendants, CHRISTOPHER
M. ESPINOSA and BRIAN WILLIAM ELM, and other persons known and unknown to the
grand jury, did unlawfully, intentionally, and knowingly combine, conspire, confederate and

1 agree together and with others, to distribute over 50 grams of methamphetamine hydrochloride, a
2 schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1),
3 (b)(1)(A)(viii), and 846.

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5 **COUNT 2 - POSSESSION WITH INTENT TO DISTRIBUTE**
6 **METHAMPHETAMINE HYDROCHLORIDE**

7 On or about June 18, 2005, in the District of Guam, the defendant herein,
8 CHRISTOPHER M. ESPINOSA, and other persons known to the grand jury, did unlawfully and
9 knowingly possess with intent to distribute over 50 grams of methamphetamine hydrochloride, a
10 schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1),
11 (b)(1)(A)(viii), and Title 18, United States Code Section 2.

12 **COUNT 3 - MONEY LAUNDERING CONSPIRACY**

13 Beginning in about June, 2004 and continuing thereafter to in about June 18, 2005, more
14 exact dates being unknown to the Grand Jury, in the District of Guam, the defendants
15 CHRISTOPHER M. ESPINOSA and BRIAN WILLIAM ELM, together with others known and
16 unknown to the Grand Jury, knowing that the property involved in financial transactions
17 represented the proceeds of some form of unlawful activity, did knowingly and intentionally
18 combine, conspire, confederate and agree together and with each other to conduct such financial
19 transactions affecting interstate and foreign commerce, which transactions in fact involved the
20 proceeds of a specified unlawful activity, namely, possession with intent to distribute
21 methamphetamine hydrochloride, in violation of Title 21, United States Code, Section 841, and
22 conspiracy to possess with intent to distribute methamphetamine hydrochloride, in violation of
23 Title 21, United States Code, Section 846; with the intent to promote the carrying on of said
24 specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

25 All in violation of Title 18, United States Code, Section 1956(h).
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COUNTS 4 TO 7 - MONEY LAUNDERING

On or about the dates listed below in the District of Guam and elsewhere, CHRISTOPHER M. ESPINOSA and others known to the Grand Jury, with the intent to promote the carrying on of specified unlawful activity, that is, possession with intent to distribute methamphetamine hydrochloride, in violation of Title 21, United States Code, Section 841 and conspiracy to possess with intent to distribute methamphetamine hydrochloride, in violation of Title 21, United States Code, Section 846, did knowingly conduct and attempt to conduct the following financial transactions affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that is, possession with intent to distribute methamphetamine hydrochloride, a violation of Title 21, United States Code, Section 841 and that while conducting and attempting to conduct the financial transactions as described below, CHRISTOPHER M. ESPINOSA knew that the property involved in the financial transactions represented some form of specified unlawful activity:

Count	Date	Transaction Description	From	To	Amount
4	04/12/05	Transfer of Funds	Bank of Hawaii Account # 6038-056330	Bank of America, Account # 004971268812	\$7,925.00
5	04/20/05	Transfer of Funds	Bank of Hawaii Account # 6038-056330	Bank of America, Account # 004971268812	\$7,925.00
6	06/03/05	Wire Transfer	Western Union	Christopher M. Espinosa	\$921.00
7	06/09/05	Wire Transfer	Western Union	Christopher M. Espinosa	\$3,816.00

All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

COUNTS 8 TO 19 - MONEY LAUNDERING

On or about the dates listed below in the District of Guam and elsewhere, BRIAN WILLIAM ELM and others known to the Grand Jury, with the intent to promote the carrying on

1 of specified unlawful activity, that is, possession with intent to distribute methamphetamine
2 hydrochloride, in violation of Title 21, United States Code, Section 841 and conspiracy to
3 possess with intent to distribute methamphetamine hydrochloride, in violation of Title 21, United
4 States Code, Section 846, did knowingly conduct and attempt to conduct the following financial
5 transactions affecting interstate and foreign commerce, which involved the proceeds of a
6 specified unlawful activity, that is, possession with intent to distribute methamphetamine
7 hydrochloride, a violation of Title 21, United States Code, Section 841 and that while conducting
8 and attempting to conduct the financial transactions as described below, BRIAN WILLIAM ELM

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1 knew that the property involved in the financial transactions represented some form of specified
2 unlawful activity:

Count	Date	Transaction Description	Amount	Financial Institution	Account Number
8	10/13/04	Deposit	\$1,000.00	Bank of Guam	202214688
9	11/06/04	Deposit	\$800.00	Bank of Guam	202214688
10	11/08/04	Deposit	\$800.00	Bank of Guam	202214688
11	11/19/04	Deposit	\$1,600.00	Bank of Guam	202214688
12	11/26/04	Deposit	\$800.00	Bank of Guam	202214688
13	12/23/04	Deposit	\$800.00	Bank of Guam	202214688
14	01/03/05	Deposit	\$2,950.00	Bank of Guam	202214688
15	01/18/05	Deposit	\$1,000.00	Bank of Guam	202214688
16	02/03/05	Deposit	\$1,000.00	Bank of Guam	202214688
17	02/04/05	Deposit	\$1,000.00	Bank of Guam	202214688
18	02/18/05	Deposit	\$1,900.00	Bank of Guam	202214688
19	02/25/05	Deposit	\$2,000.00	Bank of Guam	202214688

16 All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.


17 Dated this 13th day of March, 2006.

18 A TRUE BILL.

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20 
21 Foreperson

22 LEONARDO M. RAPADAS
23 United States Attorney
24 Districts of Guam and NMI

25 By:

26 
27 RUSSELL C. STODDARD
28 First Assistant U.S. Attorney

Place of Offense:

City Hagåtña

Related Case Information:

Country/Parish N/ASuperseding Indictment _____ Docket Number 05-00053Same Defendant XX New Defendant _____

Search Warrant Case Number _____

R 20/ R 40 from District of _____

Defendant Information:

Juvenile: Yes _____ No X Matter to be sealed: _____ Yes X NoDefendant Name CHRISTOPHER M. ESPINOSA

Allisas Name _____

Address _____

Hagatna, Guam**RECEIVED**

MAR - 1 2006

DISTRICT COURT OF GUAM
HAGATNA, GUAMBirthdate 1980 SS# _____ Sex M Race _____ Nationality _____

U.S. Attorney Information:

FAUSA Russell C. StoddardInterpreter: XX No _____ Yes _____ List language and/or dialect: _____

Location Status:

Arrest Date _____

_____ Already in Federal Custody as of _____ in _____

_____ Already in State Custody

_____ On Pretrial Release

U.S.C. Citations

Total # of Counts: 7 _____ Petty _____ Misdemeanor X Felony

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>
Set	<u>1 and 846</u>	<u>21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) Conspiracy to Distribute Methamphetamine Hydrochloride</u>	<u>1</u>
Set	<u>2 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) Possession with Intent to Distribute and 18 U.S.C. § 2</u>	<u>Methamphetamine Hydrochloride</u>	<u>2</u>
Set	<u>2 18 U.S.C. § 1956(h)</u>	<u>Money Laundering Conspiracy</u>	<u>3</u>
Set	<u>3 18 U.S.C. §§ 1956(a)(1)(A)(i) and 2</u>	<u>Money Laundering</u>	<u>4 to 7</u>

(May be continued on reverse)

Date: 3-1-06 Signature of FAUSA: _____

Place of Offense:

City Hagåtña

Related Case Information:

Country/Parish N/ASuperseding Indictment _____ Docket Number 05-00053Same Defendant XX New Defendant _____

Search Warrant Case Number _____

R 20/ R 40 from District of _____

Defendant Information:

Juvenile: Yes _____ No X Matter to be sealed: _____ Yes X No _____Defendant Name BRIAN WILLIAM ELM

Allisas Name _____

Address _____

Hagatna, Guam**RECEIVED**

MAR - 1 2006

**DISTRICT COURT OF GUAM
HAGATNA, GUAM**Birthdate 1975 SS# 3861 Sex M Race _____ Nationality _____

U.S. Attorney Information:

FAUSA Russell C. StoddardInterpreter: XX No _____ Yes _____ List language and/or dialect: _____

Location Status:

Arrest Date _____

_____ Already in Federal Custody as of _____ in _____

_____ Already in State Custody

_____ On Pretrial Release

U.S.C. Citations

Total # of Counts: 14 _____ Petty _____ Misdemeanor X Felony

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>
Set	<u>1 and 846</u>	<u>21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) Conspiracy to Distribute Methamphetamine Hydrochloride</u>	<u>1</u>
Set	<u>2 18 U.S.C. §§ 1956(h)</u>	<u>Money Laundering Conspiracy</u>	<u>3</u>
Set	<u>3 18 U.S.C. §§ 1956(a)(1)(A)(i) and 2</u>	<u>Money Laundering</u>	<u>8 to 19</u>
Set	<u>4</u>		

(May be continued on reverse)

Date: 3-1-06 Signature of FAUSA: 